



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raphael G. Raptis

Application No.: 10/600,267

Filed: June 20, 2003

For: SUBSTITUTED OCTANUCLEAR  
PYRAZOLATO CLUSTERS WITH  
ELECTRON TRANSFER AND MRI  
CONTRAST AGENT PROPERTIES

) Group Art Unit:

) Examiner: Unknown

) **CERTIFICATE OF MAILING**

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:


I hereby certify that the attached correspondence including:

- Petitions under 37 C.F.R. §§ 1.78 and 1.181
- Credit Card Payment Form

is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to:

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

January 9, 2004

By:   
Elena M. Jiménez



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raphael G. Raptis ) Group Art Unit: 1616  
Application No.: 10/600,267 ) Examiner: Unknown  
Filed: June 20, 2003 )  
For: SUBSTITUTED OCTANUCLEAR ) PETITIONS UNDER 37 C.F.R.  
PYRAZOLATO CLUSTERS WITH ) §§ 1.78 AND 1.181  
ELECTRON TRANSFER AND MRI )  
CONTRAST AGENT PROPERTIES )  
\_\_\_\_\_ )

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a petition for an unintentionally delayed claim of priority under 37 C.F.R. §1.78, or in the alternative, a petition to the Commissioner under 37 C.F.R. §1.181.

**Background**

As originally filed, the above-identified application included the following statement of priority:

This application claims priority to U.S. provisional application no. 60/113,537, filed December 22, 1998, and to U.S. utility application no. 09/470,504, filed December 22, 1999.

The Official Filing Receipt was mailed on August 26, 2003, but did not identify this claim of priority. Accordingly,

applicants requested that the Official Filing Receipt be corrected to include this statement of priority, which request was mailed on October 27, 2003. This request was refused in the Response to Request for Corrected Filing Receipt, which was mailed on December 1, 2003. The grounds for this refusal were that "[t]he application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority."

Upon investigation of this refusal, it has come to the attention of the undersigned that the basis is that the wording of the claim of priority in the original application. Specifically, the claim of priority in the original application did not identify the application as a "continuation-in-part."

***Petition under 37 C.F.R. § 1.78***

Applicants respectfully petition for the inclusion of the following claim of priority:

This application is a continuation-in-part of Application No. 09/470,504, filed December 22, 1999, now Patent No. 6,596,259, which claims the benefit of U.S. Provisional Application No. 60/113,537, filed December 22, 1998.

A surcharge under 37 C.F.R. §1.17(t) is included herewith.

The entire delay between the date the claim was due under 37

C.F.R. §1.78(a)(5) and the filing of this petition were unintentional.

***Petition under 37 C.F.R. § 1.181***

In the alternative, applicants respectfully petition for inclusion of this claim of priority on the grounds that the claim of priority included in the application as originally filed complied with the requirements of 35 U.S.C. §120, which provides in pertinent part:

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

Since the application as originally filed contained a specific reference to the earlier filed application, it is respectfully submitted that it complied with the requirements of 35 U.S.C. §120 and that the refusal to enter such claim should be withdrawn.

Please charge deposit account no. 501,452 for any additional fee that may be necessary for the consideration of this petition.

Respectfully submitted,

January 9, 2004

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